
By: **Delegates Stern, Benson, Boutin, Branch, Bronrott, G. Clagett,
V. Clagett, Donoghue, Goldwater, Harrison, Haynes, Howard, Marriott,
McConkey, McHale, Murray, Nathan-Pulliam, Oaks, Owings, Parker,
Quinter, Ramirez, Taylor, and V. Turner**

Introduced and read first time: January 28, 2004

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education - Public Schools - Program of Physical Education**

3 FOR the purpose of requiring certain students to have a certain number of hours of
4 physical education per week in public schools; allowing certain physical activity
5 to satisfy this requirement; providing for a certain construction of this Act;
6 requiring the State Board of Education to develop certain criteria; requiring the
7 State Board to develop a certain certification process; providing for a delayed
8 effective date; and generally relating to a program of physical education in the
9 public schools.

10 BY repealing and reenacting, with amendments,
11 Article - Education
12 Section 7-409
13 Annotated Code of Maryland
14 (2001 Replacement Volume and 2003 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article - Education**

18 7-409.

19 (A) [Each] SUBJECT TO THE PROVISIONS OF SUBSECTION (B) OF THIS
20 SECTION, EACH public school shall have a program of physical education that is
21 [given in a planned and sequential manner to] REQUIRED FOR all students,
22 kindergarten through grade 12, FOR 5 HOURS PER WEEK DURING THE SCHOOL YEAR,
23 to develop their good health and physical fitness and improve their motor
24 coordination and physical skills.

25 (B) THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION MAY BE
26 SATISFIED BY:

1 (1) PHYSICAL ACTIVITY THAT TAKES PLACE ON SCHOOL GROUNDS; OR

2 (2) CERTIFIED PHYSICAL ACTIVITY THAT TAKES PLACE OFF SCHOOL
3 GROUNDS.

4 (C) NOTHING IN SUBSECTION (B)(2) SHALL BE CONSTRUED TO AUTHORIZE A
5 PUBLIC SCHOOL TO REDUCE ITS CURRENT OFFERING OF PHYSICAL ACTIVITY THAT
6 TAKES PLACE ON SCHOOL GROUNDS.

7 (D) THE STATE BOARD SHALL DEVELOP CRITERIA FOR A PUBLIC SCHOOL TO
8 FOLLOW IN GRANTING EXEMPTIONS TO THE REQUIREMENTS OF THIS SECTION.

9 (E) THE STATE BOARD SHALL:

10 (1) DEVELOP CRITERIA FOR A PROGRAM OF PHYSICAL EDUCATION THAT
11 INCLUDES A BROAD RANGE OF PHYSICAL ACTIVITIES THAT TAKE PLACE ON AND OFF
12 SCHOOL GROUNDS; AND

13 (2) DEVELOP A CERTIFICATION PROCESS THROUGH WHICH PHYSICAL
14 ACTIVITY THAT TAKES PLACE OFF SCHOOL GROUNDS MAY BE INCLUDED IN A
15 PROGRAM OF PHYSICAL EDUCATION.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 July 1, 2006.